

THE DWECK LAW FIRM, LLP  
10 ROCKEFELLER PLAZA  
NEW YORK, N.Y. 10020

JACK S. DWECK\*  
H.P. SEAN DWECK\*\*

TELEPHONE: (212) 687-8200  
FACSIMILE: (212) 697-2521

WESTCHESTER OFFICE  
901 NORTH BROADWAY  
NORTH WHITE PLAINS, N.Y. 10603

NOT FOR SERVICE OF PAPERS

CHRISTOPHER S. FRASER\*\*\*

WWW.DWECKLAW.COM

ERIC J. SCHMERTZ  
1925-2010

CONNECTICUT OFFICE  
GRAVEL ISLAND ROAD  
NEW CANAAN, CT 06840

(203) 972-3000

NOT FOR SERVICE OF PAPERS

\* ADMITTED TO N.Y. CONN. AND FLA. BARS  
\*\* ADMITTED TO N.Y. AND PA. BARS  
\*\*\* ADMITTED TO N.Y. AND N.J. BARS

January 6, 2020

**VIA ECF & E-Mail**

Hon. Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
Failla\_NYSDChambers@nysd.uscourts.gov

**Re: Webster, et al. v. City of New York, Docket No. 19-cv-5638 (KPF)**

Dear Judge Failla:

The undersigned attorneys represent Plaintiffs Gregory and Lisa Webster ("Plaintiffs") in the above-referenced action. Please accept this correspondence, which is being submitted together with counsel for Defendant City of New York ("Defendant"), as the parties' joint request for a brief extension of the deadlines to complete fact and expert discovery, as well as the deadline to amend the pleadings to join additional parties.

**Discovery Completed To Date:**

The parties have complied with the September 26, 2019 Civil Case Management Plan and Scheduling Order and have exchanged Rule 26 Initial Disclosures, responses to requests for production of documents and supplementation, as well as interrogatories.

Plaintiffs' depositions were conducted on January 3, 2020, and Plaintiffs await deposition dates from Defendant for representatives of the Department of Transportation and Department of Environmental Protection. Subject to the dates of availability provided by defense counsel, every effort will be made to complete Defendant's depositions by the current fact discovery deadline of January 31, 2020.

THE DWECK LAW FIRM, LLP

**Outstanding Discovery:**

Based on certain documents recently received by Plaintiffs pursuant to a FOIL request, which will be the subject of questioning during Defendant's depositions, and a supplemental production recently produced by Defendant, Plaintiff intends to serve post-deposition demands and possibly move to compel production of certain redacted documents promptly upon completing Defendant's depositions. The parties have met and conferred on these discovery issues and agreed that it would be prudent to hold off on engaging in motion practice until Defendant's depositions have been conducted.

**Requested Extensions:**

In light of the parties' good faith efforts to comply with their discovery obligations, and the significant discovery that has been exchanged to date, the parties request a brief extension of the fact discovery deadline to March 16, 2020, as well as an extension of the March 16, 2020 expert discovery deadline to April 30, 2020.

The parties also request a brief extension of the deadline to move to amend the pleadings to join additional parties to February 28, 2020. Plaintiffs recently received subpoenaed documents from Con Edison, and another non-party with respect to DOT street opening permits, which may necessitate non-party depositions to determine whether a motion to join additional parties is necessary. The requested extension is not a great deal of additional time given the 90-day window provided by the September 26, 2019 Case Management Order.

Thank you for your consideration of the foregoing request.

Respectfully yours,

THE DWECK LAW FIRM, LLP



Christopher S. Fraser

cc: Erik Zissu, Esq. (Via ECF)